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SEP 13 2010

In re Application of
Yoon et al.
Application No. 10/585,358
Filed: July 6, 2006
Attorney Docket No. 29137.183.00

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.55(c)**
:

This is a decision on the petition under 37 CFR 1.55(c), filed June 3, 2010, requesting acceptance of an unintentionally delayed claim under 35 U.S.C. § 119 (a) – (d) and (f) for the filing date of the Korean Patent Application No. 10-2004-0074307, filed September 16, 2004.

The petition is **DISMISSED**.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and must be supplied on an application data sheet in accordance with 37 CFR 1.76 or on the oath or declaration;
- (3) the surcharge set forth in § 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1)(i) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant petition does not comply with item (2) above. The petitioner did not supply an Application Data Sheet (ADS) in accordance with 37 CFR 1.76 or a the oath or declaration identifying the prior foreign application for which priority is claimed, setting forth the application number and filing date of the application for which priority is claimed including the country.

Accordingly, before the petition under 37 CFR 1.55(c) can be granted, an ADS in accordance with 37 CFR 1.76 or a the oath or declaration, along with a renewed petition under 37 CFR 1.55(c), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions